FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.402 OF 2003
IN
FIRST APPEAL NO.159 OF 2003

Office Notes, office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	: Court's or Judge's orders

Mr.N.V.Gangal, Advocate for the Applicant.
Ms.Asha M. Bhambawani, Advocate for Respondent.

CORAM : A.S.OKA,J.

DATED : 2nd February, 2007.

P.C.:-

1. Heard Advocates appearing for the parties.

2. The learned Advocate appearing for the Respondent seeks time to file reply. Note of appearance has been filed by the Advocate for the Respondent on 22nd April, 2003. Till today, reply is not filed. Therefore, time cannot be granted.

3. The decree which is impugned in the Appeal is for possession and for

payment of damages. As the First Appeal is admitted for final hearing, decree for possession will have to be stayed. However, second part of the decree regarding payment of compensation or damages cannot be stayed. Hence, the application is disposed of by passing following order :-

ORDER

i. Till the final disposal of the Appeal, execution and operation of Clause (a) of the operative part of the decree will remain stayed, subject to condition that the applicant will maintain status quo as of today in respect of the suit property.

ii. Prayer for grant of stay as regards Clause (b) of the operative part of the decree, is rejected. The applicant is granted time to deposit the amount

in terms of prayer clause (b) for the period ending with 28th February, 2007 till 30th June, 2007. However, the applicant is bound to deposit the amount in the trial Court from March, 2007 onwards. The deposit of the arrears is to be made in the trial Court.

iii. Liberty to the original plaintiffs to apply to this Court seeking permission to withdraw the amount of compensation.

iv. Application is disposed of in above terms.

v. No order as to costs.

[A.S.OKA,J.]